

IV. REMARKS

1. Applicants appreciate the Examiner's renumbering of the misnumbered claims and accordingly, previously present claims 100-109 are presented herein as claims 99-108.
2. Claims 1, 29 and 54 are amended. Claims 15-28 and 64-75 are cancelled without prejudice. The change to claim 29 corrects a grammatical error, does not further limit or narrow the scope of the claim and is not made for reasons related to patentability.
3. It is respectfully submitted that claims 29-41, 99-103 and 108 should not be rejected under 35 U.S.C. §112, second paragraph.

35 U.S.C. §112, second paragraph requires that the claims set forth the subject matter that Applicants regard as their invention and that the claims particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. The second requirement of 35 U.S.C. §112, second paragraph only requires that the context of the claim be definite. The determination to be made is whether "the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art." It is submitted that Applicant's claims properly set forth the subject matter and are definite.

If the Examiner rejects claims based on 35 U.S.C. §112, second paragraph, the Examiner must explain whether the rejection is based on "indefiniteness" or on the "failure to claim what Applicants regard as their invention." (M.P.E.P. §2171).

Furthermore, a rejection based on a failure to claim what Applicants regard as their invention is appropriate only where

the Applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined in the claims. (M.P.E.P. §2171). The Examiner must present "evidence to the contrary" that a claim does not correspond in scope with what Applicant regards as Applicant's invention. (M.P.E.P. §2172).

Applicants submit that the statement that the rejected claims "are inoperative and therefore lack utility" is misplaced. According to M.P.E.P. §608.01(p), the disclosure must contain such description and details as to enable any person skilled in the art or science to which the invention pertains to make and use the invention as of its filing date. Applicant's claims particularly point out and distinctly claim the invention. The claim language is sufficient to inform the public of the scope of the claims and provide a clear measure of what Applicants regard as the invention. Thus, Applicant has met the necessary requirements. (M.P.E.P. §2173).

For example, claim 29 recites an apparatus for generating an indicium indicative of a payment. This is supported by the specification and the remaining structure recited in the claim language. Also, claim 34 recites an apparatus for printing a postage indicium. This is described in the specification and supported by the claim language.

It is therefore submitted that the claims will certainly apprise one of ordinary skill as to their scope and serve the notice function required by 35 U.S.C. §112, second paragraph. (M.P.E.P. §2173.02).

Thus, the claims comply with 35 U.S.C. §112, second paragraph (M.P.E.P. §2173.03) and the rejection is inappropriate.

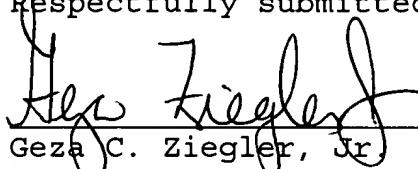


4. Applicant appreciates the Examiner's indication of allowable subject matter in claims 10, 62, 97, 98, 105 and 106. Claims 1 and 54 have been amended accordingly.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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